

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Carl P. Archibald,

Case No. 1:10CV2932

Plaintiff

v.

ORDER

Warden, Trumbull Correctional Institution,

Defendant

This is a habeas corpus case in which the Magistrate Judge has filed an Report and Recommendation recommending dismissal of the petition. (Doc. 9).

Though notified to do so, petitioner has failed to file a timely opposition.

I have reviewed the Report and Recommendation *de novo* and find it well-taken in all respects.

It is, therefore.

ORDERED THAT

1. The Report and Recommendation of the Magistrate Judge (Doc. 9) be, and the same hereby is adopted as the decision of the undersigned; and
2. The petition be, and the same hereby is dismissed.

Further, the Court certifies, pursuant to 28 U.S.C. 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. 2253(c); Fed. R. App. P. 22(b).

So ordered.

/s/ James G. Carr
Sr. United States District Judge